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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Meiri
 Serial No. : 09/851,039
 Filed : May 8, 2001

Art Unit : 2127
 Examiner : Majid A. Banankhah
 Confirmation No.: 2160
 Notice of Allowance Date:

Title : SELECTION OF A RESOURCE IN A DISTRIBUTED COMPUTER SYSTEM

MAIL STOP ISSUE FEE

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

Applicant recognizes that, in accordance with M.P.E.P. § 1302.14, the Examiner's reasons for allowance need not be an exhaustive listing of every reason that the claims are allowed.

In the above-referenced application, Applicant does not concede that the Examiner's stated reasons for allowance are the only reasons for which the claims are allowable. In particular, Applicant does not concede that all of the identified limitations are necessary to distinguish the prior art of record or to satisfy the requirements of 35 U.S.C. § 112. Furthermore, the claims may be patentable for other reasons.

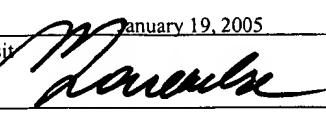
As but one example, the Examiner refers several times to the selection of a "receiving processor." Yet, no "receiving processor" is actually recited in the claims. Hence, selection of a receiving processor is not required to patentably distinguish over the art. As the Examiner points out, a "receiving processor" is but one example of a resource that may be selected.

Applicant also draws attention to the Examiner's statement regarding summation of effective queue lengths as being a way to define a sampling interval. However, this is but one particular method for doing so.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney's Docket No.: 07072-128001 / EMC 00-187

In general, the Examiner's statement appears to describe particular embodiments that include details not recited in the independent claims. Applicant notes that it is the claims that define the invention, not the particular embodiments thereof.

No additional fees are believed to be due in connection with the filing of these comments. However, to the extent any fees are due, or if a refund should be forthcoming, please adjust our Deposit Account No. 06-1050, referencing attorney docket "07072-128001."

Respectfully submitted,



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Date: January 19, 2005
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